

**STATEMENT OF BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION, OF THE HOUSE NATURAL RESOURCES COMMITTEE, CONCERNING H.R. 3806, A BILL TO AUTHORIZE PAYMENT OF FUNDS IN ACCORDANCE WITH THE AGREEMENT ENTERED INTO BY THE TENNESSEE VALLEY AUTHORITY, THE STATE OF NORTH CAROLINA, SWAIN COUNTY, NORTH CAROLINA, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR.**

**MAY 20, 2014**

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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3806, a bill to authorize payment of funds in accordance with the agreement entered into by the Tennessee Valley Authority, the State of North Carolina, Swain County, North Carolina, and the United States Department of the Interior.

The Department supports H.R. 3806. This bill would provide the National Park Service the authority to expend \$4 million appropriated to the National Park Service in the Consolidated Appropriations Act, 2012 (Public Law 112-74) to make a payment to Swain County, North Carolina. This legislation is necessary because the National Park Service currently has no authority to make this payment, which stems from a 2010 commitment to the county.

In February 2010, then-Secretary of the Interior Ken Salazar signed a Memorandum of Agreement with the Swain County, the State of North Carolina, and the Tennessee Valley Authority that provided for the federal government to make monetary payments not to exceed a total of \$52 million, subject to appropriations, to Swain County to settle an issue dating to a 1943 agreement that provided that the Department would build a road along the North Shore of Fontana Lake in Great Smoky Mountains National Park. The 2010 Memorandum of Agreement provided for the monetary settlement in lieu of road construction as the rugged terrain, higher construction costs and severe environmental impacts make constructing the road an untenable option.

In fiscal year 2010, two payments totaling \$12.8 million were provided to Swain County. These funds were derived from prior-year appropriations, and directed to Swain County in the Department of Defense Appropriations Act of 2010 (P.L. 111-118), which included explicit authority for the Secretary of the Interior to make those payments to Swain County for non-construction of the road. After that amount was paid, up to \$39.2 million of the \$52 million stated in the Memorandum of Agreement remained.

The Consolidated Appropriations Act, 2012 (P.L. 112-74) contained \$4 million in the National Park Service construction account that potentially could have been used as payment for a portion of the remaining \$39.2 million to Swain County, and in fact had been proposed for that purpose in the President's FY 2012 budget. However, unlike the previous amounts appropriated, there was no statutory provision in P.L. 112-74 to spend the funds for Swain County, and there was no other statutory authority for that payment to be made. Enactment of H.R. 3806 would provide the authority that is needed for the National Park Service to use those previously appropriated funds to make the \$4 million payment to the county.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or any members of the subcommittee may have.